IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

Bail Appl..No. 7221 of 2007()

CRMP.10076/2007 of J.M.F.C.-III, PUNALUR
sCRIME NO.12/2006 OF PATHANAPURAM EXCISE RANGE, PUNALUR

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PETITIONERS : ACCUSED

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1. BABU, S/O VALAYADAYAN, RESIDING AT
THEKKUVILA VEEDU, KARAVOOR MURI,
PIRAVANTHOOR VILLAGE, PATHANAPURAM TALUK,
KOLLAM DISTRICT.

2. KUSHALAN @ RANNI, S/O PONNAMMA,
AGED 28, RESIDING AT RENNALAYAM,
THALAPPINAMKULAM, KARAVOOR MURI,
PERAVANTHURE VILLAGE, PATHANAPURAM TALUK,
KOLLAM DISTRICT.

BY ADV. SRI.HARISH GOPINATH

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
EXCISE INSPECTOR, EXCISE RANGE OFFICE,
PATHANAPURAM, PUNALUR, THROUGH
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.7221 of 2007

Dated this the 27th day of November, 2007

ORDER

Application for regular bail. Petitioners face allegations under the Kerala Abkari Act. They had allegedly kept 650 litres of wash concealed. From that place of concealment, the excise officials had recovered the contraband article. The petitioners were not present at the time when the recovery was effected. On receipt of discreet information, the excise officials had reached the scene and effected the recovery. Investigation revealed that it was the petitioners who allegedly kept the article there earlier. The seizure was on 4.2.06. The petitioners had come before this Court with an application for anticipatory bail and by order dated 25.09.2007 in B.A.No.5719 of 2007, the said application for anticipatory bail was dismissed by this Court. The petitioners surrendered before the learned Magistrate on 5.11.07. They continue in custody from that date. The petitioners have been given over to the custody of the investigator by the court, it is submitted. The learned Public Prosecutor submits that the 1st accused has no history of any criminal antecedents, whereas the 2nd accused is involved in one earlier crime under the abkari Act in which he has already been granted bail.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer on condition that the investigator is given reasonable further time to complete the investigation and I am satisfied that the petitioners can now be directed to be released on bail subject to appropriate terms and conditions.

3. In the result, this application is allowed. The petitioners shall be released on bail on the following terms and conditions.

i) The petitioners shall not be released on the strength of this order prior to 07.12.2007. The Investigators shall in the meantime make every endeavour to complete the investigation;

ii) The petitioners shall execute bonds for Rs.1,00,000/- (Rupees One lakh only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

iii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of 3 months from the date of their release and thereafter as and when directed by the Investigating Officer in writing to do so.

(R.BASANT, JUDGE)

rtr/-